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ABSTRACT

This document describes the Wisconsin law that created new school-district reorganization procedures under which a school district may be created out of a portion or portions of the territory of one or more existing districts. Prior to 1997, a new school district could be created only through the consolidation of two or more existing districts. This information memorandum briefly discusses the applicability of the new law and then details the reorganization procedures. It includes information on the initiation of reorganization, the public hearing, precise boundaries and the allocation of assets and liabilities, school boards' decisions, review procedures, referenda, school-board elections, appeals to court, and limitations on multiple considerations of proposals to create a school district. It also examines provisions applicable after the district reorganization and includes referenda limits and state aids, referenda for borrowing to finance the allocation of assets and liabilities, referenda for borrowing to finance new construction, waivers, interim attendance of pupils and high-school seniors, treatment of employees, and limitations on use of the procedures. Three appendices contain a flow chart of the procedures under the act, the timetables for these procedures, and the important criteria in deciding whether to grant school-district reorganizations. (RJM)

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NEW LAW ESTABLISHING PROCEDURES TO CREATE A NEW SCHOOL DISTRICT (1997 WISCONSIN ACT 286)

Information Memorandum 98-16

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July 2, 1998

EA029724

Information Memorandum 98-16*

NEW LAW ESTABLISHING PROCEDURES TO CREATE A NEW SCHOOL DISTRICT (1997 WISCONSIN ACT 286)

INTRODUCTION

Prior to the enactment of 1997 Wisconsin Act 286, the only way in which a new school district could be created was through the consolidation of two or more existing school districts. 1997 Wisconsin Act 286 created new school district reorganization procedures under which a school district may be created out of a portion or portions of the territory of one or more existing districts. The effective date of Act 286 was June 30, 1998.

Act 286 originated as 1997 Assembly Bill 304, which was introduced by Representative Olsen and others; cosponsored by Senator Darling and others.

Copies of Act 286 may be obtained from the Documents Room, Lower Level, One East Main Street, Madison, Wisconsin 53702; telephone: (608) 266-2400.

This Information Memorandum is divided into the following parts:

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* This Information Memorandum was prepared by Jane R. Henkel, Deputy Director, Legislative Council Staff.

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In addition:

- ***Appendix A*** contains a flow chart of the procedures under the Act.

- ***Appendix B*** summarizes the timetable for these procedures. Separate timetables are provided for two situations: (1) the school boards agree on the exact boundaries and the allocation of assets and liabilities by October 15; and (2) the school boards fail to agree on the exact boundaries and the allocation of assets and liabilities by October 15.

- ***Appendix C*** contains s. 117.15, Stats., as amended by Act 286. Section 117.15, Stats., sets forth the criteria that school boards and appeal panels must consider in deciding whether to grant school district reorganizations, including the creation of a new school district under the procedures created by Act 286.

A. APPLICABILITY

As with all other school district reorganization procedures under ch. 117, Stats., the procedures created by Act 286 do ***not apply*** to any school district reorganization affecting the Milwaukee Public Schools (MPS). The procedures do apply to reorganizations affecting any other school districts in the state, so long as the reorganization does not also affect the MPS.

B. REORGANIZATION PROCEDURES

1. Initiation of Reorganization

The reorganization to create a new school district may be initiated by either of the following:

a. The adoption of resolutions to create the new district by the school boards of all of the school districts containing territory within the proposed district.[1]

b. The filing of a petition to create the new district signed by electors who include at least both of the following: (1) 20% of the total number of electors residing in all of the affected school districts; and (2) 5% of the electors residing in each affected school district.

The approximate boundaries of the new school district must be stated in the resolution or the petition.

2. Public Hearing

Before agreeing on the precise boundaries of the new school district and the allocation of assets and liabilities between the new and affected school districts (as described under Section 3., below), each affected school board must hold a public hearing on the proposed reorganization. Under s. 117.05 (3), Stats., two or more of the affected school boards may hold a joint public hearing.

3. Precise Boundaries and the Allocation of Assets and Liabilities

By the adoption of resolutions by the school boards of a majority of the affected school districts, the affected school boards may agree on the precise boundaries and the allocation of assets and liabilities between the affected school districts and the new school district within a specified time period (by October 15 following the initiation of the process). If a majority of the school boards fail to agree on the precise boundaries and allocate the assets and liabilities by that

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1. Hereinafter, these school districts and their school boards are referred to as the "affected school districts" and the "affected school boards." Generally, in this Memorandum, the school district created by the reorganization is referred to as the "new school district."

date, the School District Boundary Appeal Board (SDBAB)[2] must draw the precise boundaries and allocate the assets and liabilities and the Department of Public Instruction (DPI) must charge the affected school boards a fee sufficient to reimburse the DPI for the SDBAB's costs. In determining the precise boundaries, neither the school boards nor the SDBAB may detach territory from any additional school districts.

The affected school districts' assets and liabilities must be allocated among the affected school districts and the new school district according to the criteria currently set forth in s. 66.03 (2c) (a) 1., Stats. Section 66.03 (2c) (a) 1., Stats., requires the assignment of assets and liabilities to the school districts involved in a reorganization in proportion to the districts' equalized evaluations.

As for other types of reorganizations, the affected school boards may establish an alternative method to govern the apportionment of assets and liabilities.

4. School Boards' Decision

After the precise boundaries have been drawn and the assets and liabilities have been allocated, each affected school board must adopt a resolution granting or denying the reorganization. The resolution must state the board's rationale and include an evaluation of each of the factors listed in s. 117.15, Stats. (See **Appendix C**).

Failure of a school board to adopt a resolution either ordering or denying the creation of the school district before the required date constitutes a denial of the creation of the school district by that school board. (This is consistent with the treatment of a failure by a school board to act by required dates in other types of school district reorganizations under ch. 117, Stats.)

If any of the affected school boards denies the reorganization and no petition for review is filed, as described under Section 5., below, the process ends and there is ***no reorganization***.

If all of the affected school boards grant the reorganization and no petition for review is filed, as described under Section 5., below, a ***referendum is held in the territory of the proposed new school district***, as described under Section 6. b., below.

5. Review by the SDBAB

Electors may petition for review of the school boards' decision by the SDBAB, as follows:

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2. The SDBAB consists of 12 school board members appointed by the State Superintendent of Public Instruction for staggered two-year terms. Four board members must be from school districts with small enrollments, four must be from school districts with medium enrollments and four must be from school districts with large enrollments. No two SDBAB members may reside within the boundaries of the same cooperative educational service agency. Seven members of the SDBAB shall be appointed to perform each review under this proposal.

a. If ***all*** of the affected school boards ***grant*** the reorganization, a petition for review may be filed signed by 10% or more of the electors residing in the territory of the affected school districts that is not within the proposed new district.

b. If ***any*** of the affected school boards ***denies*** the reorganization, a petition for review may be filed signed by 10% or more of the electors residing in each affected school district.

If a petition for review is filed, the SDBAB must hold a public hearing. After the hearing and after consulting with the affected school boards, the SDBAB may modify the proposed boundaries and the allocation of assets and liabilities (unless the SDBAB drew the boundaries and made the allocation, as described under Section 3., above, because a majority of the affected school boards failed to do so). If the SDBAB modifies the proposed boundaries or allocation of assets and liabilities, the affected school boards are given another opportunity to vote on the proposed reorganization before the SDBAB issues its decision on the reorganization.

The SDBAB must issue a written decision granting or denying the reorganization which states its rationale and evaluation of each of the factors under s. 117.15, Stats. The SDBAB may overturn the school boards' decision only if it finds that the school boards' conclusions regarding the factors listed in s. 117.15, Stats., are not supported by the facts or that the school boards did not properly apply those factors.

If the SDBAB does not grant the reorganization, there is ***no reorganization***.

If the SDBAB grants a reorganization which had been denied by one or more school boards, ***a referendum may be held*** in the territory of the affected school districts, as described in Section 6. a., below.

In any case, if the SDBAB grants the reorganization, a ***referendum must be held*** in the territory of the proposed new school district as described in Section 6. b., below.

The DPI may charge the person filing the petition for review by the SDBAB a fee sufficient to reimburse the DPI for the costs of the SDBAB.

6. Referenda[3]

a. Referendum in Affected School Districts if SDBAB Overturns School Board's Denial of Reorganization

If the school board of one or more of the affected school districts denies the reorganization but, upon review, the SDBAB grants the reorganization, a referendum may be held ***in the territory of the affected school districts*** (i.e., the entire territory of all of the school districts from which territory will be detached to create the new district). To require such a referendum,

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3. The referenda described in items a. and b. of this Section are held at the same time (i.e., at the November election).

a petition requesting the referendum, signed by at least ***20%*** of the number of electors residing in the territory of the affected school districts, must be filed.

If a referendum is held under this provision, to go forward, the reorganization must be approved at the referendum by a majority of the votes cast (as well as by a majority of the votes at the referendum held in the territory of the new school district described under item b., below). If the referendum fails to approve the creation of the new school district there is ***no reorganization***.

b. Referendum for Final Approval by Electors of the New District

If the reorganization is granted by the affected school boards and/or the SDBAB, before the reorganization may take effect, it must also be approved at a referendum by electors residing ***in the territory of the proposed new school district***. Such, a referendum will be held in any of the following circumstances:

(1) All the affected school boards grant the reorganization and there is no appeal to the SDBAB.

(2) All of the affected school boards grant the reorganization, there is an appeal to the SDBAB and the SDBAB grants the reorganization.

(3) One or more of the affected school boards deny the reorganization, there is an appeal to the SDBAB and the SDBAB grants the reorganization.

If the referendum fails to approve the creation of the new school district, there is ***no reorganization***.

7. School Board Election; Effective Date of Reorganization

If the electors approve the reorganization at the referendum described in Section 6. b., above, and, if required, at the referendum described in Section 6. a., above, an election for school board members for the new district shall be held at the spring election. The reorganization shall take effect on the next July 1, except that the new school board may determine to delay the effective date of the reorganization for one year.

School board members for the new school district who are elected at the first election must reside in the territory of the school district that will be created by the reorganization. If a person elected to the school board of the new school district is also a member of the school board of a school district from which territory was detached to create the new district, he or she is not eligible to serve on the school board for the new school district unless he or she resigns as a member of the school board of the other school district.

8. Appeal to Court

Under s. 117.14 (1), Stats., any person aggrieved by the granting or denial of the reorganization by the SDBAB may appeal to court. Because school district reorganization is a legislative, policy-making function which is delegated to local school boards, appeal panels and the SDBAB, upon appeal a court will not substitute its judgment for the judgment of those bodies regarding the wisdom of their decisions. The issues on appeal to court are limited to whether the body acted within its jurisdiction and whether its order was arbitrary and capricious. See *Joint School Dist. No. 2, etc. v. State Appeal Bd.*, 71 Wis. 2d 276, 237 N.W.2d 739 (1976); *Joint School Dist. No. 1 of Town of Wabeno v. State*, 56 Wis. 2d, 790, 203 N.W.2d 1 (1973); and *City of Beloit v. State Appeal Bd.*, 103 Wis. 2d 661, 309 N.W.2d 392 (Ct. App. 1981).

The court may stay enforcement of an order of school district reorganization if there is a substantial probability that the party seeking review will prevail on the merits and will suffer irreparable harm if the stay is not granted.

9. Limitation on Multiple Considerations of Proposals to Create a School District

No petition or resolution to initiate the procedures to create a new school district may be filed or adopted before the fifth July 1 following the filing or adoption of a previous petition or resolution to initiate the procedures to create a school district that includes any of the same territory. This limitation does not apply if the school board of each affected school district adopts a resolution waiving the limitation.

Thus, there will be a three- or four-year waiting period following the final decision regarding a proposal to create a new school district before such a reorganization may be considered again, unless all of the affected school boards agree to waive the waiting period.

C. PROVISIONS APPLICABLE AFTER THE REORGANIZATION

1. Revenue Limits and State Aids

a. Existing School Districts

School districts from which territory was detached to create the new school district will be paid state equalization aid based on their prior year equalized valuations per member, prior year enrollments and prior year costs, as under current law. However, to cushion the fiscal effects of the reorganization:

(1) In the school year in which the reorganization takes effect, the existing school districts' revenue limits will be increased by an amount equal to 5% of their state aid; and

(2) In each of the subsequent three years, the existing school districts will receive an increase in their equalization aid by having the cost ceilings and guaranteed valuations used to compute those aids (i.e., the districts' primary and secondary cost ceilings per member and their

primary, secondary and tertiary guaranteed valuations per member) multiplied by 1.05. The additional state aid generated by these 5% adjustments will not be subject to revenue limits.

The three-year rolling membership average used to reflect membership changes under the current revenue limits will apply to a school district's loss of membership due to the loss of territory to the new school district created by the reorganization.

b. New School District

The revenue limit for the new school district for its first year of operation shall be the average prior year revenues per pupil of the school districts from which territory was detached to create the new district, weighted according to the number of pupils residing in the territory transferred to the new district from each of those school districts, plus the allowable revenue increase for the current year. Specifically, for its first year of operation, the revenue limit for the new school district shall be computed as follows:

(1) For each of the existing school districts, multiply its prior year per-pupil revenue by the number of pupils enrolled in that district during the prior year who resided in territory that was detached from that district to create the new district.

(2) Calculate the sum of the amounts determined under item (1), above, and divide that sum by the total number of pupils residing in the detached territory who were enrolled in the prior year in the school district from which the territory was detached.

(3) Add the allowable per-pupil revenue increase for the current year to the amount determined under item (2), above.

(4) Multiply the amount determined under item (3), above, by the greater of: (a) the total number of pupils residing in the detached territory who were enrolled in the prior year in the school district from which the territory was detached; or (b) the number of pupils enrolled in the new school district as determined by its third Friday of September pupil count for the current school year.

Thereafter, the revenue limit for the new school district shall be computed as for other school districts, with appropriate adjustments made to reflect the fact that pupil counts cannot be averaged over three years until the school district has been in operation for three years.

Also, see Sections 2. and 3., below, for provisions relating to adjusting revenue limits for the amount of funds needed to repay certain general obligation debt.

2. Referenda for Borrowing to Finance the Allocation of Assets and Liabilities

Under current law, a referendum on school district borrowing through promissory notes in excess of $5,000 or through bonds (in any amount) may be required if the amount to be borrowed causes the school district's outstanding indebtedness incurred without a referendum

(excluding debt incurred prior to August 9, 1989) to exceed the lessor of: (a) $1 million; or (b) 1.5% of the statewide average equalized valuation per member multiplied by the school district's membership. [ss. 67.05 (6a) (a) 2. and 67.12 (12), Stats.]

Under Act 286, an exception to these referenda provisions is created. The exception allows both the new school district and the school districts from which territory was detached to issue bonds or promissory notes for the purpose of financing any assets or liabilities apportioned to them under the reorganization or for the purpose of financing any assets (including cash) apportioned to another school district, without submitting the borrowing to a referendum.

The school district's revenue limit shall be increased by the amount of the funds needed for the payment of the general obligation debt service on the amounts borrowed for this purpose.

3. Referenda for Borrowing to Finance New Construction

a. Existing School Districts

The $1 million/1.5% limit will be increased, for the construction of a building or an addition to a building by a school district from which territory is detached to create the new district, by an amount computed as follows:

(1) For any school building previously owned by the school district that is allocated to another school district under the reorganization, the number of pupils in each grade level who attended school in that building during the prior school year and who resided in territory that was not transferred to the new school district shall be determined. The number of pupils counted under this provision shall be the average of the third Friday of September and second Friday of January pupil counts for the prior year.

(2) For each of the grade levels in which pupils attended school in a building described under item (1), the Department of Commerce shall determine the average cost per square foot for, and the average number of square feet per pupil included in, two recently constructed school buildings that were designed to serve pupils of that grade level as selected by the Department of Commerce.

(3) The product of the number of pupils under item (1), the average cost per square foot under item (2) and the number of square feet per pupil under item (2) shall be computed for each applicable grade level and a total computed for all grade levels.

The school district's revenue limit will also be increased by the amount of the funds needed for the payment of the general obligation debt service on the amounts borrowed to finance new construction up to this limit.

b. New School District

Except as described under Section 2., above, for financing the allocation of assets and liabilities, the new school district may be required to hold a referendum on any borrowing that would exceed the current $1 million/1.5% limit on outstanding indebtedness. Thus, for example, a referendum may be required on bonds issued by the new district for new construction or purchasing property if the borrowing will cause the district to exceed its $1 million/1.5% limit.

4. Waivers

Under s. 117.30, Stats., if a school district has failed to operate a school as required by law for two or more successive years, the SDBAB must attach the district's territory to one or more school districts that do operate schools.

Act 286 provides that the school board of a school district created by a reorganization under the Act may request the DPI to extend the two-year time period under s. 117.30, Stats., by one year. The DPI shall grant the extension and may renew the extension for additional one-year periods if the DPI determines that the school district has adequate plans and is making adequate progress toward operating sufficient classes at each grade level to provide all pupils who reside in the district an opportunity to attend class at the appropriate grade level.

Act 286 also specifies that for a school district created under these new procedures, the SDBAB's order must reattach the territory of the school district ***to each of the school districts from which the territory was detached*** by the reorganization, unless the school district from which the territory was detached is no longer an operating school district.

In addition, the Act clarifies that, for the purposes of s. 117.30, Stats., failure to operate a school as required by law means failure to operate sufficient classes at each grade level to provide all pupils who reside in the district an opportunity to attend a school operated by the district as required by law.

5. Interim Attendance of Pupils and High School Seniors

The school boards of the new district and a school district from which territory was detached to create the new district must permit a pupil who resides in that territory to continue to attend school in that school district until the new school district begins offering instruction at the pupil's grade level. The new school district must pay tuition for the pupil.

In addition, the school boards of the new school district and a school district from which territory was detached to create the new district must allow a pupil who resides in such territory and has gained 12th grade status to continue to attend school in his or her old district even though the pupil is no longer a resident of that district. The school board of the new school district must pay tuition for the pupil.

6. Treatment of Employes

Any employe of a school district from which territory was detached to create the new district who is laid off as a result of the reorganization has priority over other persons, for three years after the effective date of the reorganization, for new positions and vacant positions for which the employe is qualified in the new district. An employe who wishes to exercise this priority must notify the new school district in writing.

7. Limitations on Use of the Procedures

The reorganization procedures created by Act 286 may not be used if the result of their use would be the creation of a new school district that has the same boundaries that an existing district would have if territory were detached from one or more other school districts and attached to the existing school district using the current detachment and attachment procedures. Instead, the current detachment and attachment procedures would need to be used to accomplish the reorganization. The restriction does not apply if the existing district operates only grades kindergarten through 8.

Also, a school district created using the Act's reorganization procedures may not consolidate with another school district or have all of its territory attached to another school district within ***10 years*** after the effective date of the organization which created the new district. (The purpose of this restriction is to ensure that the procedures under the Act may not be used to detach territory from one district and ***subsequently*** to attach that territory to another district through the use of consolidation or attachment procedures.) This prohibition does not apply if a new school district is created by detaching territory from a single school district and the subsequent consolidation or attachment would consolidate the new district with, or reattach its territory to, the school district from which its territory was detached when it was created. In other words, the prohibition does not apply if the effect of the subsequent consolidation or attachment is to "undo" the reorganization that created the new district.

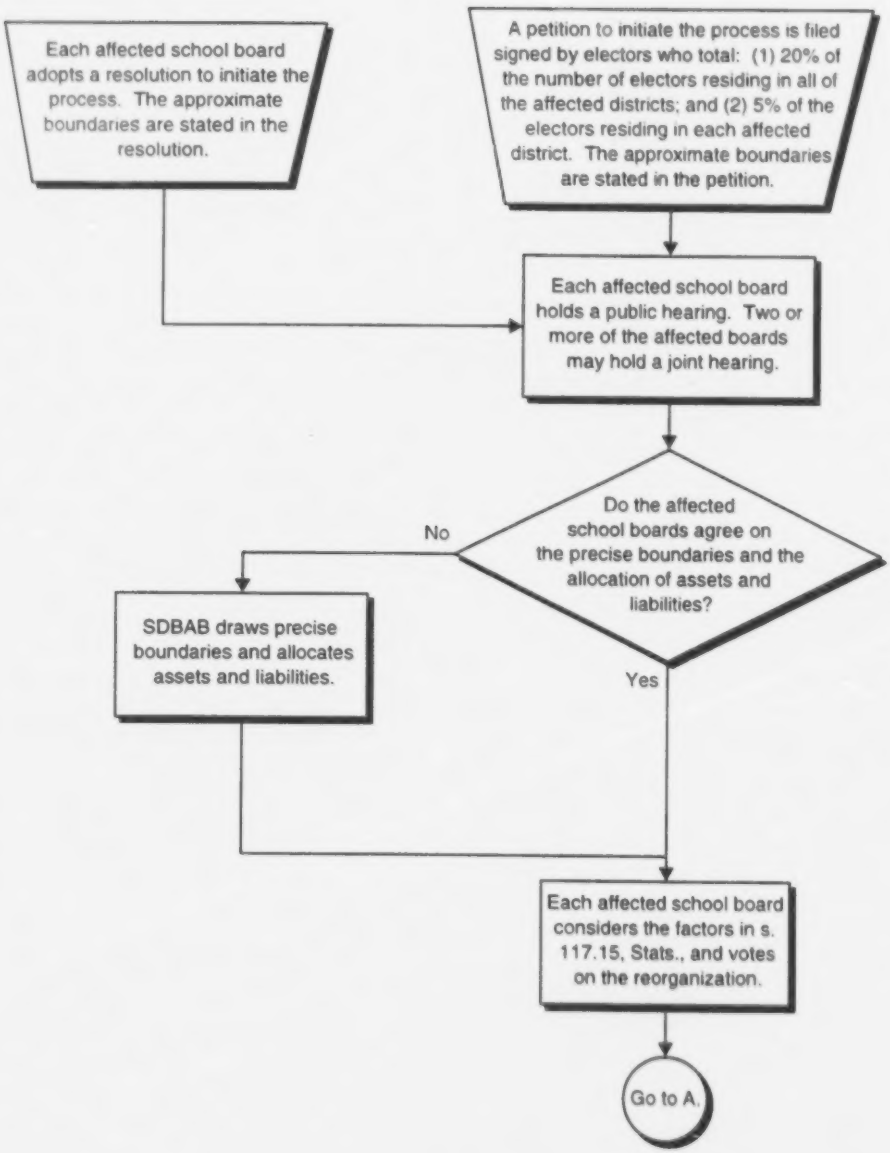
D. OTHER

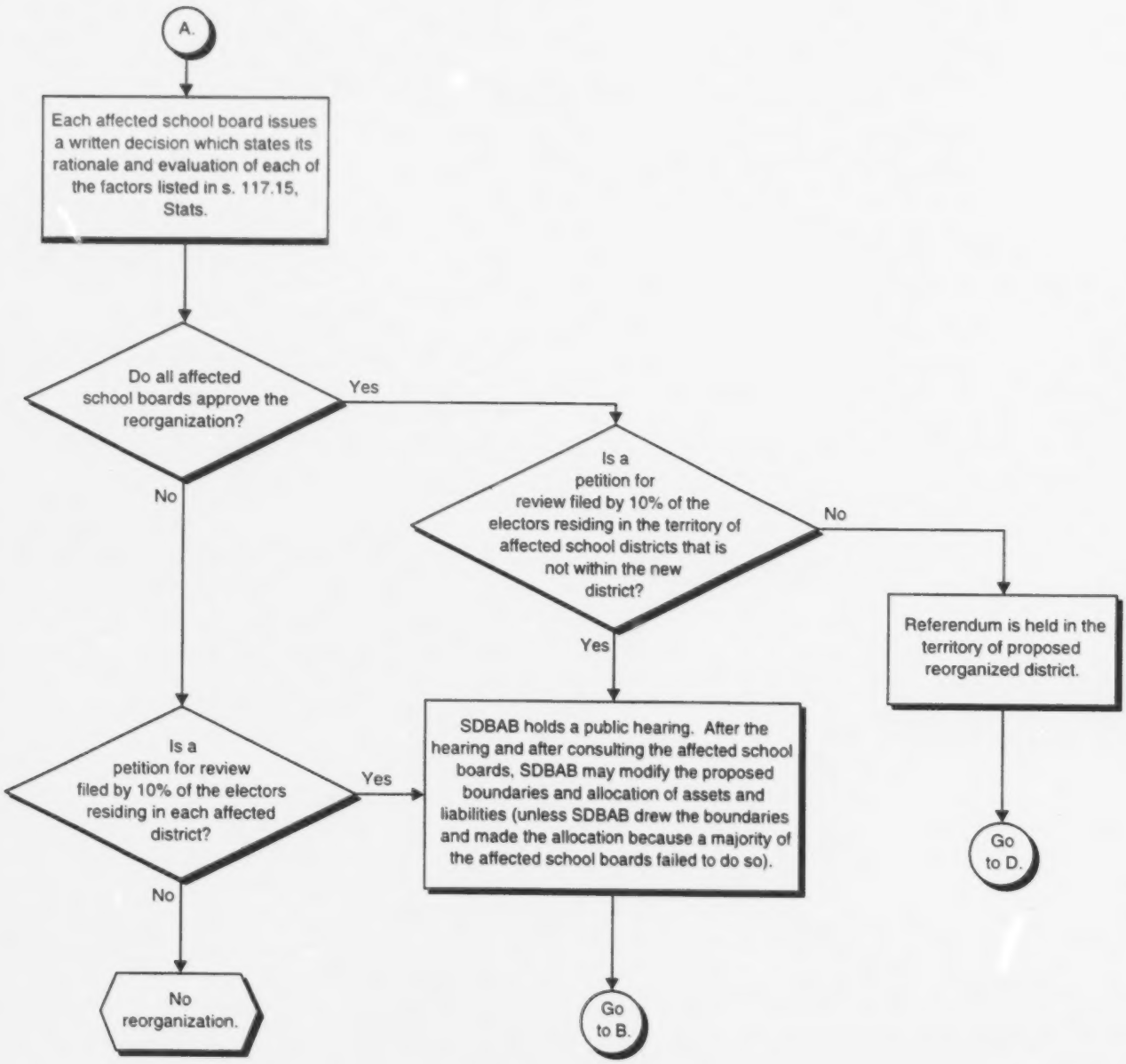
Under prior law, a school district clerk was required to give a written description of reorganization procedures prepared by the DPI to a person filing a petition to initiate a reorganization procedure which may be initiated by a petition (i.e., transfers of large or small territory) or a person filing a petition for a referendum on any other reorganization which may be decided by referendum (i.e., consolidations). Act 286 expanded this requirement to also include a person filing a petition for a referendum on the transfer of large territories.

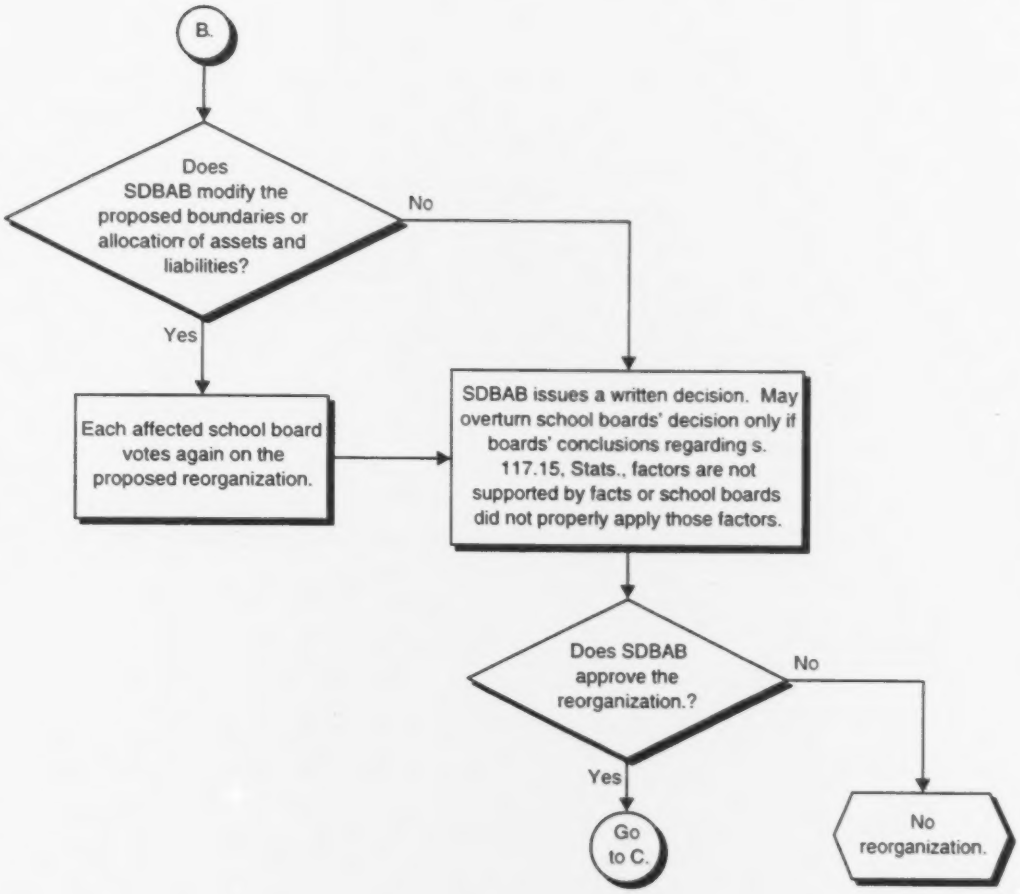
The Act also requires the school district clerk to provide the description to persons filing a petition to initiate the process to create a new school district.

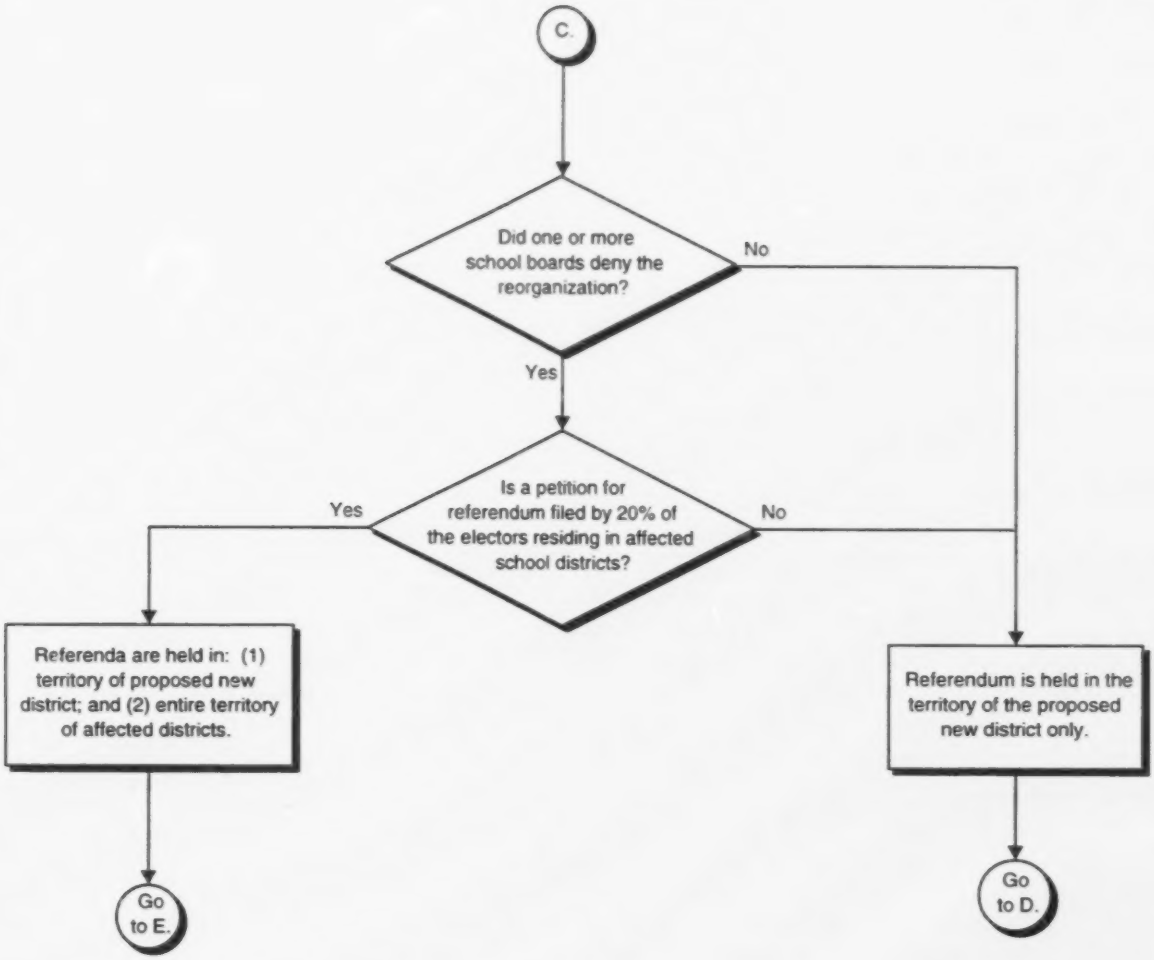
JRH:tlu:ksm

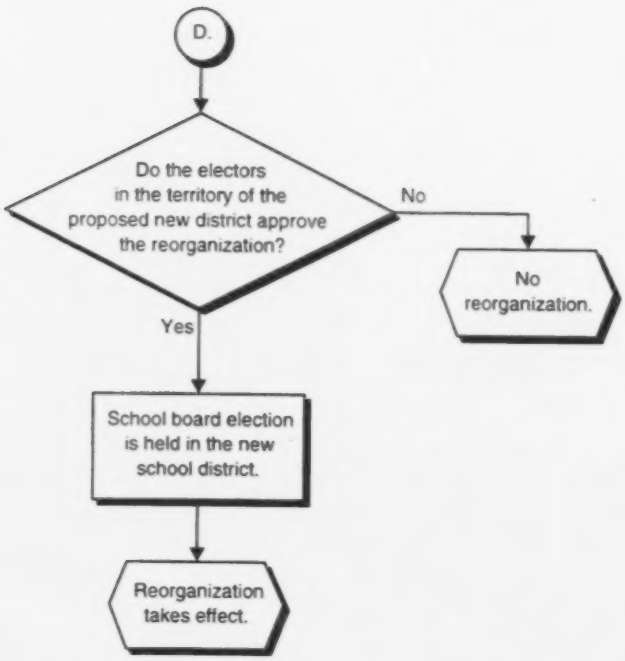
Procedures to Create a School District

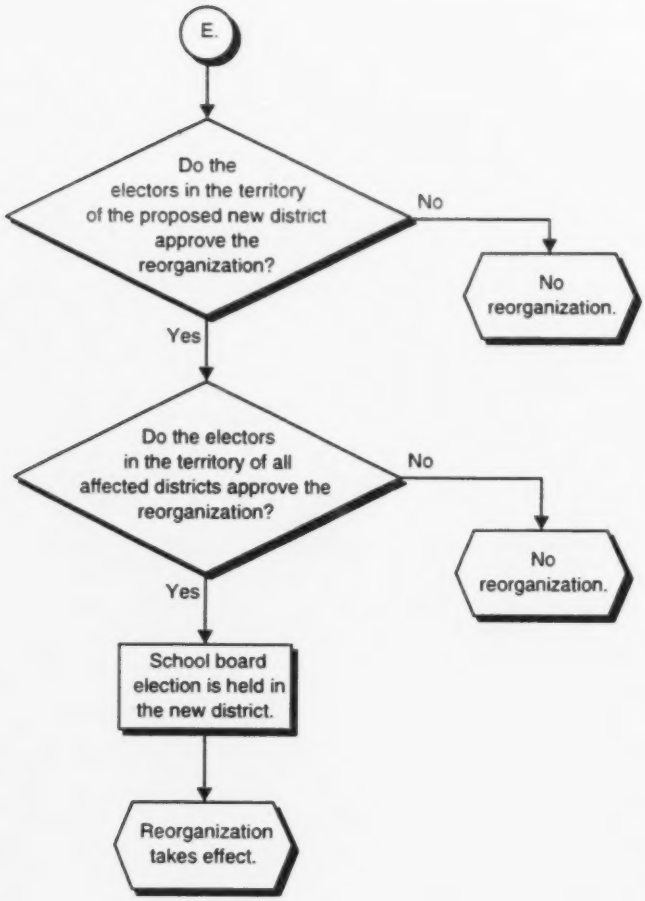

Each affected school board adopts a resolution to initiate the process. The approximate boundaries are stated in the resolution.
A petition to initiate the process is filed signed by electors who total: (1) 20% of the number of electors residing in all of the affected districts; and (2) 5% of the electors residing in each affected district. The approximate boundaries are stated in the petition.
Each affected school board holds a public hearing. Two or more of the affected boards may hold a joint hearing.
Do the affected school boards agree on the precise boundaries and the allocation of assets and liabilities?
No
Yes
SDBAB draws precise boundaries and allocates assets and liabilities.
Each affected school board considers the factors in s. 117.15, Stats., and votes on the reorganization.
Go to A.


A.
Each affected school board issues a written decision which states its rationale and evaluation of each of the factors listed in s. 117.15, Stats.
Do all affected school boards approve the reorganization?
Yes
No
Is a petition for review filed by 10% of the electors residing in the territory of affected school districts that is not within the new district?
No
Yes
Referendum is held in the territory of proposed reorganized district.
Go to D.
Is a petition for review filed by 10% of the electors residing in each affected district?
Yes
No
SDBAB holds a public hearing. After the hearing and after consulting the affected school boards, SDBAB may modify the proposed boundaries and allocation of assets and liabilities (unless SDBAB drew the boundaries and made the allocation because a majority of the affected school boards failed to do so).
No reorganization.
Go to B.

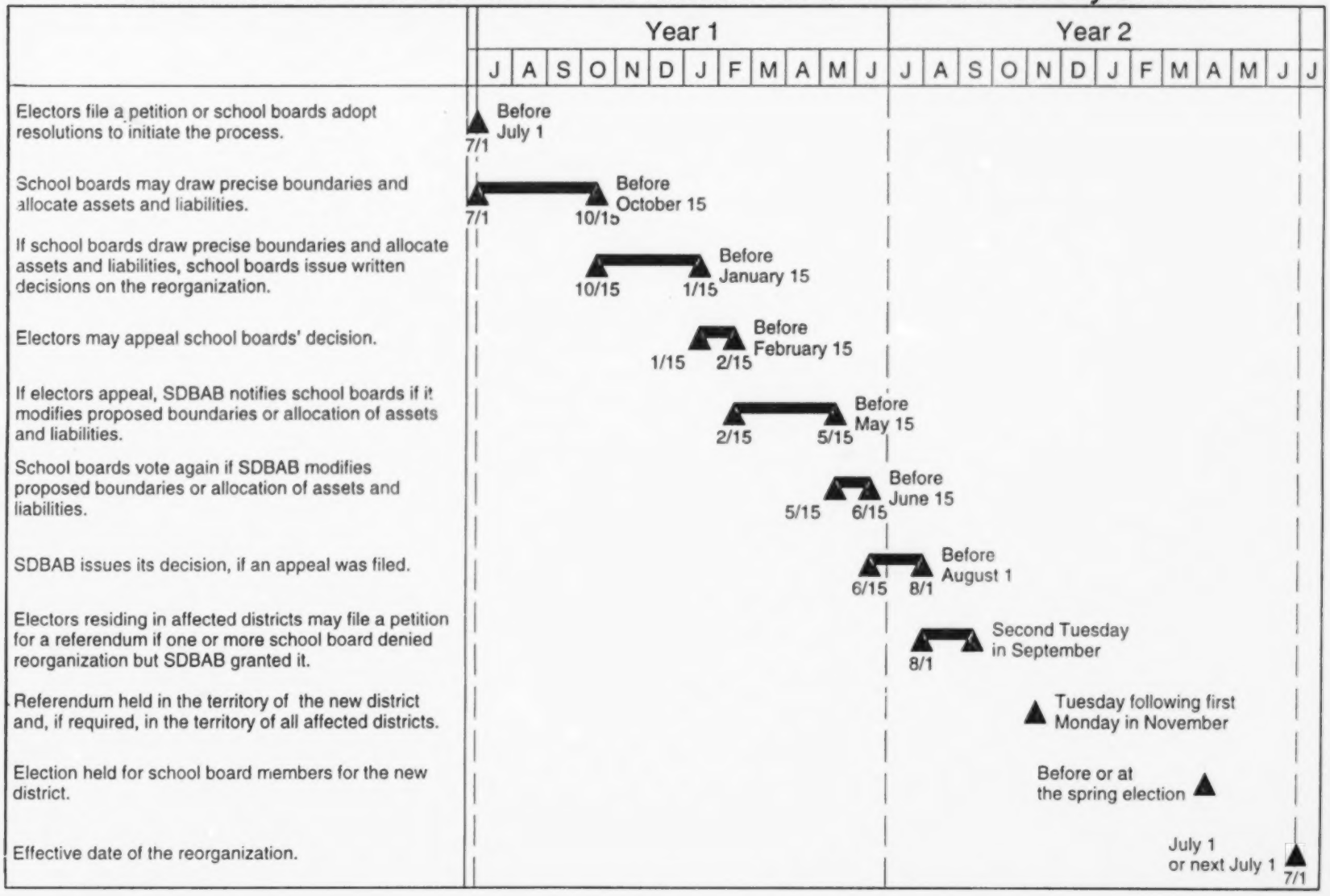

B.
Does SDBAB modify the proposed boundaries or allocation of assets and liabilities?
No
Yes
Each affected school board votes again on the proposed reorganization.
SDBAB issues a written decision. May overturn school boards' decision only if boards' conclusions regarding s. 117.15, Stats., factors are not supported by facts or school boards did not properly apply those factors.
Does SDBAB approve the reorganization.?
No
Yes
Go to C.
No reorganization.


C.
Did one or more school boards deny the reorganization?
No
Yes
Is a petition for referendum filed by 20% of the electors residing in affected school districts?
Yes
No
Referenda are held in: (1) territory of proposed new district; and (2) entire territory of affected districts.
Referendum is held in the territory of the proposed new district only.
Go to E.
Go to D.


D.
Do the electors in the territory of the proposed new district approve the reorganization?
No
No reorganization.
Yes
School board election is held in the new school district.
Reorganization takes effect.

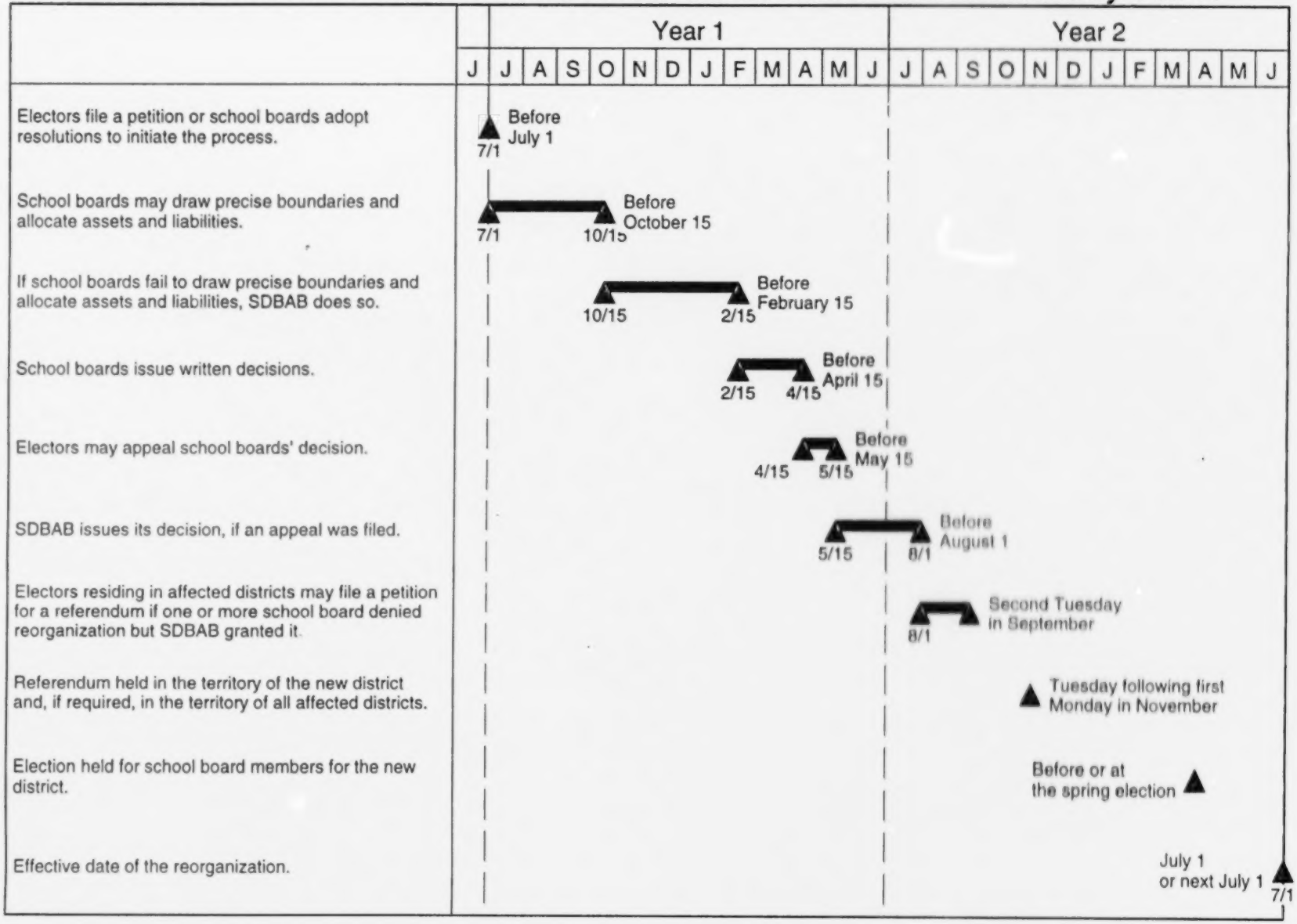

E.
Do the electors in the territory of the proposed new district approve the reorganization?
No
No reorganization.
Yes
Do the electors in the territory of all affected districts approve the reorganization?
No
No reorganization.
Yes
School board election is held in the new district.
Reorganization takes effect.

Timetable 1
School Boards Draw Boundaries and Allocate Assets and Liabilities by Oct. 15


Year 1
Year 2
J A S O N D J F M A M J J A S O N D J F M A M J J
Electors file a petition or school boards adopt resolutions to initiate the process.
Before July 1
7/1
School boards may draw precise boundaries and allocate assets and liabilities.
Before October 15
7/1
10/15
If school boards draw precise boundaries and allocate assets and liabilities, school boards issue written decisions on the reorganization.
Before January 15
10/15
1/15
Electors may appeal school boards' decision.
Before February 15
1/15
2/15
If electors appeal, SDBAB notifies school boards if it modifies proposed boundaries or allocation of assets and liabilities.
Before May 15
2/15
5/15
School boards vote again if SDBAB modifies proposed boundaries or allocation of assets and liabilities.
Before June 15
5/15
6/15
SDBAB issues its decision, if an appeal was filed.
Before August 1
6/15
8/1
Electors residing in affected districts may file a petition for a referendum if one or more school board denied reorganization but SDBAB granted it.
Second Tuesday in September
8/1
Referendum held in the territory of the new district and, if required, in the territory of all affected districts.
Tuesday following first Monday in November
Election held for school board members for the new district.
Before or at the spring election
Effective date of the reorganization.
July 1 or next July 1
7/1

Timetable 2

School Boards Fail to Draw boundaries and Allocate Assets and Liabilities by Oct. 15


Year 1
Year 2
J J A S O N D J F M A M J J A S O N D J F M A M J
Electors file a petition or school boards adopt resolutions to initiate the process.
Before July 1
7/1
School boards may draw precise boundaries and allocate assets and liabilities.
Before October 15
7/1
10/15
If school boards fail to draw precise boundaries and allocate assets and liabilities, SDBAB does so.
Before February 15
10/15
2/15
School boards issue written decisions.
Before April 15
2/15
4/15
Electors may appeal school boards' decision.
Before May 15
4/15
5/15
SDBAB issues its decision, if an appeal was filed.
Before August 1
5/15
8/1
Electors residing in affected districts may file a petition for a referendum if one or more school board denied reorganization but SDBAB granted it.
Second Tuesday in September
8/1
Referendum held in the territory of the new district and, if required, in the territory of all affected districts.
Tuesday following first Monday in November
Election held for school board members for the new district.
Before or at the spring election
Effective date of the reorganization.
July 1 or next July 1
7/1

Section 117.15, Stats., as Affected by 1997 Wisconsin Act 286

117.15 Criteria for school district reorganizations. In making any decision under ss. 117.08 to 117.132, a school board, the board and an appeal panel shall consider the following factors as they affect the educational welfare of all of the children residing in all of the affected school districts, and may consider other appropriate factors:

(1) The geographical and topographical characteristics of the affected school districts, including the estimated travel time to and from school for pupils in the school districts.

(2) The educational needs of all of the children residing in the affected school districts, the educational programs currently offered by each affected school district and the ability and commitment of each school district to meet those needs and continue to offer those educational programs.

(2m) If territory is proposed to be detached from one school district and attached to an adjoining school district or proposed to be included in a new school district under s. 117.105, whether the proposed detachment will have any adverse effect on the program currently offered by the school district from which the territory is proposed to be detached, including both curricular and extracurricular aspects of that program.

(3) The testimony of and written statements filed by the residents of the affected school districts.

(4) The estimated fiscal effect of the proposed reorganization on the affected school districts, including the effect of the apportionment of assets and liabilities.

(5) Whether the proposed reorganization will make any part of a school district's territory noncontiguous.

(6) The socioeconomic level and racial composition of the pupils who reside or will reside in territory proposed to be detached from one school district and attached to an adjoining school district, in territory proposed to be included in a new school district under s. 117.105 or in school districts proposed to be consolidated or in a school district proposed to be dissolved; the proportion of the pupils who reside in such territory who are children at risk, as defined under s. 118.153 (1) (a); and the effect that the pupils described in this paragraph will have on the present and future socioeconomic level and racial composition of the affected school districts and on the proportion of the affected school districts' enrollments that will be children at risk.

(7) The results of any referendum held under s. 117.10.